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1 KARL J. KRAMER (No. 136433)
JANA G. GOLD (No. 154246)
2 SHERMAN W. KAHN (No. 168924)
MORRISON & FOERSTER LLP
3 755 Page Mill Road
Palo Alto, California 94304-1018
4 Telephone: (415) 813-5600

5 RAOUL D. KENNEDY (No. 40892)
MORRISON & FOERSTER LLP
6 345 California Street
San Francisco, California 94104-2675
7 Telephone: (415) 677-7000

8 PATRICK J. FLINN (No. 104423)
ALSTON & BIRD
9 One Atlantic Center
1201 W. Peachtree Street
10 Atlanta, Georgia 30306
Telephone: (404) 881-7000

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11 Attorneys for Defendants/Counter-
12 Claimants CYLINK, CARO-KANN CORPORATION
AND THE BOARD OF TRUSTEES OF THE
13 LELAND STANFORD JUNIOR UNIVERSITY

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 ROGER SCHLAFELY,

17 Plaintiff,

18 v.

19 PUBLIC KEY PARTNERS AND RSA DATA
20 SECURITY, INC.,

21 Defendants,

22 RSA DATA SECURITY, INC.,

23 Plaintiff,

24 v.

25 CYLINK CORPORATION and CARO-KANN
26 CORPORATION, et al.

27 Defendants.

No. C-94-20512 SW

REQUEST FOR MANDATORY
JUDICIAL NOTICE PURSUANT TO
FEDERAL RULE OF EVIDENCE 201
OF CYLINK CORPORATION, CARO-
KANN CORPORATION, AND
STANFORD UNIVERSITY

No. ~~C-96-20094~~ SW

Date: October 1, 1996

Time: 10:00 a.m.

Judge: Hon. Spencer Williams

1 Defendants and counter-claimants, Cylink Corporation, Caro-Kann
2 Corporation and The Board of Trustees of the Leland Stanford Junior
3 University, hereby request pursuant to Federal Evidence Rule 201(d)
4 that the Court take mandatory judicial notice of the following
5 adjudicative facts. These requests are made on the grounds that
6 these facts are either generally known within the Northern District
7 of California or are capable of accurate and ready determination by
8 resort to sources whose accuracy cannot be reasonably questioned.

9 1. That the document attached as Exhibit 1 to the Consolidated
10 Declaration of Karl Kramer is a true and correct copy of United
11 States Patent No. 4,218,582 (the "Hellman-Merkle patent"), and that
12 said document is an official public record.

13 2. That the document attached as Exhibit 2 to the Consolidated
14 Declaration of Karl Kramer is a true and correct copy of United
15 States Patent No. 4,220,770 (the "Diffie-Hellman patent"), and that
16 said document is an official public record.

17 3. That the document attached as Exhibit 3 to the consolidated
18 declaration of Karl Kramer is a true and correct copy of the
19 contents of Prosecution History File Wrapper For United States
20 Patent No. 4,218,582 (the "Hellman-Merkle patent prosecution
21 history"), and that said document is an official public record.

22 4. That the document attached as Exhibit 4 to the consolidated
23 declaration of Karl Kramer is a true and correct copy of the
24 contents of Prosecution History File Wrapper For United States
25 Patent No. 4,220,770 (the "Diffie-Hellman patent prosecution
26 history"), and that said document is an official public record.

27 5. That the document attached as Exhibit 5 to the consolidated
28 declaration of Karl Kramer is a true and correct copy of excerpts

1 from Kahn On Codes, by David Kahn (1983), and that David Kahn's book
2 Kahn On Codes is a reliable authority on the history of
3 cryptography.

4 6. That the document attached as Exhibit 11 to the
5 consolidated declaration of Karl Kramer is a true and correct copy
6 of excerpts from the McGraw-Hill Dictionary of Scientific and
7 Technical Terms (3rd ed.) containing the definitions of the terms
8 "message," "redundancy," and "transformation," and that said
9 dictionary is a reliable authority regarding the scientific and
10 technical definition of said terms.

11 7. That the document attached as Exhibit 12 to the
12 consolidated declaration of Karl Kramer is a true and correct copy
13 of excerpts from The Penguin Dictionary of Computers (3rd ed.)
14 containing the definitions of the term "message," and that said
15 dictionary is a reliable authority regarding the definition of said
16 term.

17 8. That the document attached as Exhibit 13 to the
18 consolidated declaration of Karl Kramer is a true and correct copy
19 of excerpts from the Computer Security Reference Book (1992)
20 containing the definitions of the term "key," and that said
21 reference book is a reliable authority regarding the definition of
22 said term. _

23 9. That the document attached as Exhibit 14 to the
24 consolidated declaration of Karl Kramer is a true and correct copy
25 of excerpts from the Glossary of Cryptography, by Shulman and
26 Weintraub (1961) containing the definition of the terms "decipher"
27 and "encipher" and that said glossary is a reliable authority
28 regarding the definition of said terms.

1 10. That the document attached as Exhibit 15 to the
2 consolidated declaration of Karl Kramer is a true and correct copy
3 of excerpts from Webster's Third New International Dictionary of the
4 English Language (Unabridged), containing the terms "decipher,"
5 "encipher," "finite," "generate," "represent," "representation," and
6 "validate," and that said dictionary is a reliable authority
7 regarding the definitions of said terms.

8 11. That the document attached as Exhibit 16 to the
9 consolidated declaration of Karl Kramer is a true and correct copy
10 of excerpts from The Codebreakers, by David Kahn (1967), and that
11 David Kahn's book The Codebreakers is a reliable authority regarding
12 the history of cryptography.

13 12. That the document attached as Exhibit 17 to the
14 consolidated declaration of Karl Kramer is a true and correct copy
15 of excerpts from the Computer Dictionary (3rd ed.), containing the
16 definition of the terms "encipher" and "transformation," and that
17 said dictionary is a reliable authority regarding the definition of
18 said terms.

19 13. That the document attached as Exhibit 18 to the
20 consolidated declaration of Karl Kramer is a true and correct copy
21 of excerpts from Chambers Science and Technology Dictionary (1988),
22 containing the definitions of the term "random," and that said
23 dictionary is a reliable authority regarding the definition of said
24 term.

25 14. That the document attached as Exhibit 19 to the
26 consolidated declaration of Karl Kramer is a true and correct copy
27 of excerpts from Computer Professional's Dictionary (1990),
28 containing the definitions of the verb "process," and that said

1 dictionary is a reliable authority regarding the definition of said
2 terms.

3 15. That the document attached as Exhibit 20 to the
4 consolidated declaration of Karl Kramer is a true and correct copy
5 of excerpts from Microsoft Press, Computer Dictionary (2nd ed.)
6 containing the definition of the term "transform," and that said
7 dictionary is a reliable authority regarding the definition of said
8 term.

9 16. That the document attached as Exhibit 21 to the
10 consolidated declaration of Karl Kramer is a true and correct copy
11 of excerpts from The Penguin Dictionary of Mathematics (1989),
12 containing definitions of the term "transform," and that said
13 dictionary is a reliable authority regarding the definition of said
14 terms.

15 Cylink Corporation, Caro-Kann Corporation, and Stanford
16 University further request that the Court take judicial notice of
17 the meaning of the words defined in the dictionary entries attached
18 as Exhibits 11-15 and 17-21 of the consolidated declaration of Karl
19 Kramer. Wilshire Westwood Assoc. v. Atlantic Richfield, 881 F.2d
20 801, 803 (9th Cir. 1989) (court takes judicial notice of dictionary
21 definitions of terms at issue); Pyles v. Merit Systems Protection
22 Bd., 45 F.3d 411, 415 (Fed. Cir. 1995) (taking judicial notice of
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1 definition of medical terms from both medical and English language
2 dictionaries).

3 Dated: September 24, 1996

4 MORRISON & FOERSTER LLP
5 ALSTON & BIRD

6
7 By: 

Karl J. Kramer

8 Attorneys for Defendants and
9 Counter-Claimants CYLINK
10 CORPORATION, CARO-KANN
11 CORPORATION AND THE BOARD OF
12 TRUSTEES OF THE LELAND STANFORD
13 JUNIOR UNIVERSITY
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